

Senate Study Bill 1262 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON KRAAYENBRINK)

A BILL FOR

- 1 An Act relating to appropriations to the judicial branch.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. JUDICIAL BRANCH.

2 1. There is appropriated from the general fund of the state
3 to the judicial branch for the fiscal year beginning July 1,
4 2021, and ending June 30, 2022, the following amounts, or so
5 much thereof as is necessary, to be used for the purposes
6 designated:

7 a. For salaries of supreme court justices, appellate court
8 judges, district court judges, district associate judges,
9 associate juvenile judges, associate probate judges, judicial
10 magistrates and staff, state court administrator, clerk of
11 the supreme court, district court administrators, clerks of
12 the district court, juvenile court officers, board of law
13 examiners, board of examiners of shorthand reporters, and
14 commission on judicial qualifications; receipt and disbursement
15 of child support payments; reimbursement of the auditor
16 of state for expenses incurred in completing audits of the
17 offices of the clerks of the district court during the fiscal
18 year beginning July 1, 2021; and maintenance, equipment, and
19 miscellaneous purposes:

20 \$187,312,527

21 b. For deposit in the revolving fund created pursuant to
22 section 602.1302, subsection 3, for jury and witness fees,
23 mileage, costs related to summoning jurors, costs and fees for
24 interpreters and translators, and reimbursement of attorney
25 fees paid by the state public defender:

26 \$ 3,600,000

27 2. The judicial branch, except for purposes of internal
28 processing, shall use the current state budget system, the
29 state payroll system, and the Iowa finance and accounting
30 system in administration of programs and payments for services,
31 and shall not duplicate the state payroll, accounting, and
32 budgeting systems.

33 3. The judicial branch shall submit monthly financial
34 statements to the legislative services agency and the
35 department of management containing all appropriated accounts

1 in the same manner as provided in the monthly financial status
2 reports and personal services usage reports of the department
3 of administrative services. The monthly financial statements
4 shall include a comparison of the dollars and percentage
5 spent of budgeted versus actual revenues and expenditures on
6 a cumulative basis for full-time equivalent positions and
7 dollars.

8 4. The judicial branch shall focus efforts upon the
9 collection of delinquent fines, penalties, court costs, fees,
10 surcharges, or similar amounts.

11 5. It is the intent of the general assembly that the offices
12 of the clerks of the district court operate in all 99 counties
13 and be accessible to the public as much as is reasonably
14 possible in order to address the relative needs of the citizens
15 of each county. An office of the clerk of the district court
16 shall be open regular courthouse hours.

17 6. In addition to the requirements for transfers under
18 section 8.39, the judicial branch shall not change the
19 appropriations from the amounts appropriated to the judicial
20 branch in this Act, unless notice of the revisions is given to
21 the legislative services agency prior to the effective date.
22 The notice shall include information on the judicial branch's
23 rationale for making the changes and details concerning the
24 workload and performance measures upon which the changes are
25 based.

26 7. The judicial branch shall submit a semiannual update
27 to the legislative services agency specifying the amounts of
28 fines, surcharges, and court costs collected using the Iowa
29 court information system since the last report. The judicial
30 branch shall continue to facilitate the sharing of vital
31 sentencing and other information with other state departments
32 and governmental agencies involved in the criminal justice
33 system through the Iowa court information system.

34 8. The judicial branch shall provide a report to the general
35 assembly by January 1, 2022, concerning the amounts received

1 and expended from the enhanced court collections fund created
2 in section 602.1304 and the court technology and modernization
3 fund created in section 602.8108, subsection 7, during the
4 fiscal year beginning July 1, 2020, and ending June 30, 2021,
5 and the plans for expenditures from each fund during the fiscal
6 year beginning July 1, 2021, and ending June 30, 2022.

7 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
8 provision to the contrary, for the fiscal year beginning July
9 1, 2021, and ending June 30, 2022, if all parties in a case
10 agree, a civil trial including a jury trial may take place in a
11 county contiguous to the county with proper jurisdiction, even
12 if the contiguous county is located in an adjacent judicial
13 district or judicial election district. If the trial is moved
14 pursuant to this section, court personnel shall treat the case
15 as if a change of venue occurred. However, if a trial is moved
16 to an adjacent judicial district or judicial election district,
17 the judicial officers serving in the judicial district or
18 judicial election district receiving the case shall preside
19 over the case.

20 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
21 602.1509, for the fiscal year beginning July 1, 2021, and
22 ending June 30, 2022, a judicial officer may waive travel
23 reimbursement for any travel outside the judicial officer's
24 county of residence to conduct official judicial business.

25 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
26 the annual salary rates for judicial officers established by
27 2019 Iowa Acts, chapter 155, section 6, for the fiscal year
28 beginning July 1, 2021, and ending June 30, 2022, the supreme
29 court may by order place all judicial officers on unpaid leave
30 status on any day employees of the judicial branch are placed
31 on temporary layoff status. The biweekly pay of the judicial
32 officers shall be reduced accordingly for the pay period in
33 which the unpaid leave date occurred in the same manner as
34 for noncontract employees of the judicial branch. Through
35 the course of the fiscal year, the judicial branch may use an

1 amount equal to the aggregate amount of salary reductions due
2 to the judicial officer unpaid leave days for any purpose other
3 than for judicial salaries.

4 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent
5 of the general assembly that the judicial branch utilize
6 the Iowa communications network or other secure electronic
7 communications in lieu of traveling for the fiscal year
8 beginning July 1, 2021, and ending June 30, 2022.

9 Sec. 6. STATE COURT — JUSTICES, JUDGES, AND MAGISTRATES.

10 1. The salary rates specified in subsection 2 are for the
11 fiscal year beginning July 1, 2021, effective for the pay
12 period beginning June 25, 2021, and for subsequent fiscal
13 years until otherwise provided by the general assembly. The
14 salaries provided for in this section shall be paid from moneys
15 allocated to the judicial branch from the salary adjustment
16 fund, or if the allocation is not sufficient, from moneys
17 appropriated to the judicial branch pursuant to this Act or any
18 other Act of the general assembly.

19 2. The following annual salary rates shall be paid to the
20 persons holding the judicial positions indicated during the
21 fiscal year beginning July 1, 2021, effective with the pay
22 period beginning June 25, 2021, and for subsequent pay periods.

23 a. Chief justice of the supreme court:

24 \$ 192,261

25 b. Each justice of the supreme court:

26 \$ 183,653

27 c. Chief judge of the court of appeals:

28 \$ 172,175

29 d. Each associate judge of the court of appeals:

30 \$ 166,436

31 e. Each chief judge of a judicial district:

32 \$ 160,696

33 f. Each district judge except the chief judge of a judicial
34 district:

35 \$ 154,957

1	g. Each district associate judge:	
2	.....	\$ 137,740
3	h. Each associate juvenile judge:	
4	.....	\$ 137,740
5	i. Each associate probate judge:	
6	.....	\$ 137,740
7	j. Each judicial magistrate:	
8	.....	\$ 42,469
9	k. Each senior judge:	
10	.....	\$ 9,182

11 3. Persons receiving the salary rates established
12 under this section shall not receive any additional salary
13 adjustments provided by this Act or any other Act of the
14 general assembly.

15 Sec. 7. Section 602.6404, subsection 3, Code 2021, is
16 amended to read as follows:

17 3. A magistrate shall be an attorney licensed to practice
18 law in this state. However, a magistrate not admitted to
19 the practice of law in this state and who is holding office
20 on April 1, 2009, shall be eligible to be reappointed as a
21 magistrate in the same county for a term commencing August 1,
22 2009, and for subsequent successive terms.

23 4. Notwithstanding subsection 3, if the county magistrate
24 appointing commission of a county does not receive an
25 application from a qualified attorney licensed to practice law
26 in this state, the county magistrate appointing commission may
27 republish notice of the vacancy to be filled, as specified
28 in section 602.6403, subsection 2, and may consider the
29 appointment of a person who is not an attorney licensed to
30 practice law in this state.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill makes appropriations to the judicial branch.

35 The bill appropriates from the general fund of the state for

1 FY 2021-2022 to the judicial branch for salaries, receipt and
2 disbursement of child support payments, reimbursement of the
3 auditor of state, maintenance, equipment, and miscellaneous
4 purposes, and for deposit in the revolving fund created
5 pursuant to Code section 602.1302(3) for certain purposes.

6 The bill provides that a civil trial including a jury trial
7 may take place in a county contiguous to the county with proper
8 jurisdiction, even if the contiguous county is located in an
9 adjacent judicial district or judicial election district, if
10 all the parties in a case agree. If a trial is moved to another
11 county that is located in another judicial district or judicial
12 election district, the judicial officers serving the judicial
13 district or judicial election district receiving the case shall
14 preside over the case.

15 The bill permits a judicial officer to waive travel
16 reimbursement for any travel outside the judicial officer's
17 county of residence to conduct official business.

18 The bill allows a judicial officer to be placed on unpaid
19 leave for the fiscal year beginning July 1, 2021, on any day a
20 court employee is required to furlough. The bill provides that
21 if a judicial officer is placed on unpaid leave, the salary of
22 the judicial officer shall be reduced accordingly for the pay
23 period in which the unpaid leave occurred. Through the course
24 of the fiscal year, the bill provides that the judicial branch
25 may use an amount equal to the aggregate amount of the salary
26 reductions due to judicial officer unpaid leave for any purpose
27 other than judicial salaries.

28 The bill states legislative intent that the judicial
29 branch utilize the Iowa communications network or other secure
30 electronic communications in lieu of traveling.

31 The bill provides annual salary rates to be paid the chief
32 justice and justices of the supreme court, the chief judge
33 and judges of the court of appeals, the chief judge of each
34 judicial district, district and district associate judges,
35 associate juvenile and associate probate judges, judicial

1 magistrates, and senior judges. The new salary rates become
2 effective for the pay period beginning June 25, 2021, and apply
3 until otherwise provided by the general assembly.

4 The bill provides that a magistrate not admitted to
5 practice law in the state but who is holding office on April
6 1, 2009, is eligible to be reappointed as a magistrate in
7 the same county for a term commencing August 1, 2009, and
8 for subsequent successive terms. The bill further provides
9 that notwithstanding the requirement that a magistrate must
10 be an attorney licensed to practice law in this state, if the
11 county magistrate appointing commission of a county does not
12 receive an application from a qualified attorney licensed to
13 practice law in this state, the county magistrate appointing
14 commission may republish notice of the vacancy to be filled and
15 may consider the appointment of a person who is not an attorney
16 licensed to practice law in this state.